

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

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DARLENE BATES,

Plaintiff,

-against-

ST. MICHAEL'S ROMAN CATHOLIC CHURCH,
ROMAN CATHOLIC DIOCESE OF BROOKLYN,
JOHN DOE and JANE DOE, RICHARD ROE and
JANE ROE, priests, clergy and administrators whose
names are unknown to the Plaintiff,

Defendants.
-----X

Index No.

Date Purchased:

Plaintiff designates
KINGS

County as the place of trial.


The basis of the venue is
Defendants' place of
business.

SUMMONS

To the above named Defendant(s)

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to
serve a copy of your answer, or, if the complaint is not served with this summons, to serve a
notice of appearance, on the Plaintiff's Attorney within 20 days after the service of this
summons, exclusive of the day of service (or within 30 days after the service is complete if this
summons is not personally delivered to you within the State of New York); and in case of your
failure to appear or answer, judgment will be taken against you by default for the relief
demanded in the complaint.

Dated: New York, New York
December 3, 2019



MICHAEL G. DOWD
600 Third Avenue, 15th Floor
New York, NY 10016
(212) 751-1640

SWEENEY, REICH & BOLZ, LLP

By: Gerard J. Sweeney, Esq.

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Lake Success, NY 11042

(718) 459-9000

Attorneys for Plaintiff

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

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DARLENE BATES,

Plaintiff,

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Date Filed:

-against-

ST. MICHAEL'S ROMAN CATHOLIC CHURCH,
ROMAN CATHOLIC DIOCESE OF BROOKLYN,
JOHN DOE and JANE DOE, RICHARD ROE and
JANE ROE, priests, clergy and administrators whose
names are unknown to the Plaintiff,

VERIFIED COMPLAINT

Defendants.
-----X

Plaintiff, Darlene Bates, by her attorney, MICHAEL G. DOWD, complaining of

Defendants, hereby alleges the following:

JURISDICTION AND VENUE

1. This action is timely commenced pursuant to the New York State Child Victims Act, dated February 14, 2019, and CPLR § 214-g.
2. This Court has jurisdiction pursuant to CPLR § 301 as Defendants' principal place of business is in New York and because much of the unlawful conduct complained of herein occurred in New York.
3. Venue is proper pursuant to CPLR § 503 because Kings County is the principal place of business of Defendants. In addition, many of the events giving rise to this action occurred in Kings County.

AS AND FOR A FIRST CAUSE OF ACTION**(NEGLIGENT SUPERVISION)**

4. The Plaintiff, Darlene Bates (hereinafter "Plaintiff") was born on September 26, 1962. She is a resident of New York, New York.
5. Defendant ST. MICHAEL'S ROMAN CATHOLIC CHURCH (hereinafter "ST. MICHAEL'S") is a parish within the Defendant ROMAN CATHOLIC DIOCESE OF BROOKLYN. ST. MICHAEL'S is located in Brooklyn, New York, which is in Kings County.
6. Upon information and belief, at all times mentioned herein, the ROMAN CATHOLIC DIOCESE OF BROOKLYN (hereinafter "DIOCESE") was and is a not-for-profit religious corporation organized and existing around and under by virtue of the laws of the State of New York. Its principal headquarters are located in Brooklyn, New York, which is in Kings County.
7. Upon information and belief, NICHOLAS ANTHONY DiMARZIO (hereinafter "DiMARZIO") is currently the Roman Catholic Bishop of the DIOCESE.
8. Upon information and belief, the Bishop is the Chief Executive Officer of all parishes and parish schools in the DIOCESE and as part of said responsibilities assigned the priests to work in the parishes.
9. Upon information and belief all of DiMARZIO's predecessor(s) were the Chief Executive Officers of all parishes and parish schools in the DIOCESE and as part of said responsibilities assigned the priests to work in the parishes, including ERNEST REARDON (hereinafter "REARDON"). This includes those Bishops who assigned REARDON to his parish position.

10. Upon information and belief, at all times mentioned herein, DiMARZIO and the above-referenced predecessor Bishops in the Office of the Bishop, along with Defendant DIOCESE, created the policies and procedures to be followed by priests within the DIOCESE. The Office of the Bishop and Defendant DIOCESE were responsible for investigating complaints against its parish clergy. In this capacity, the Office of the Bishop either directly or through Diocesan officials appointed by them, established policies and procedures by which complaints of sexual abuse against parish clergy, priests, and staff were to be dealt with and investigated by the DIOCESE.
11. Upon information and belief, at all times mentioned herein, the Office of the Bishop was also responsible for removing and/or suspending parish clergy and priests from their duties.
12. Upon information and belief, at all times mentioned herein, REARDON was a priest at Defendant ST. MICHAEL'S having been assigned and otherwise authorized to work there by the Office of the Bishop.
13. Upon information and belief, Defendant ST. MICHAEL'S is a Roman Catholic parish church within the DIOCESE.
14. REARDON's abuse of Plaintiff began in approximately 1970 and continued for approximately two years. The plaintiff is not a Roman Catholic, however, one day in or around 1970, out of curiosity went to the rectory of the parish. Upon entering the rectory, the woman who had answered the door asked Plaintiff if she would like to see a priest. Plaintiff was then escorted to see REARDON who was in the parish office. Soon after entering the office, REARDON had Plaintiff sit on

his lap while he touched and fondled her body, including her genitals. The priest invited Plaintiff back a number of times over the next two years and each time he did, he sexually abused Plaintiff in the above-described ways. The abuse occurred in a parish office on the property of Defendant ST. MICHAEL'S.

Plaintiff estimates the abuse occurred multiple times during those two years.

15. Upon information and belief, at all times mentioned herein, Defendant DIOCESE knew or should have known that children such as Plaintiff were present in parish rectories.
16. Upon information and belief, since at least 1950 through present, Defendants DIOCESE and ST. MICHAEL'S knew the risk of sexual abuse of minors by priests and other staff working in the DIOCESE.
17. Upon information and belief, at all times mentioned herein, Defendants DIOCESE and ST. MICHAEL'S knew that minors sexually abused in the Catholic Church would suffer psychological and emotional injuries, as well as other damages.
18. Upon information and belief, at all times mentioned herein, Defendant DIOCESE aided and abetted the concealment of criminal conduct by failing and refusing to report allegations of child sexual abuse to appropriate New York civil authorities.
19. Upon information and belief, at the time of the acts alleged herein, REARDON was an employee of, and acting as an agent of Defendants DIOCESE and ST. MICHAEL'S.
20. Upon information and belief, Defendants DIOCESE and ST. MICHAEL'S had a duty to protect Plaintiff as a minor from REARDON's criminal sexual acts.

21. Upon information and belief, Defendants DIOCESE and ST. MICHAEL'S failed to adequately and completely supervise REARDON, and as a result of this failure and negligence, proximately caused Plaintiff to be sexually abused by REARDON.
22. The aforementioned occurrences of sexual abuse were caused by the negligence, carelessness, recklessness, and the willful, wanton, reckless and grossly negligent conduct of Defendants DIOCESE ST. MICHAEL'S and their agents, servants, and/or employees, in failing to properly and adequately supervise the conduct of REARDON as it related to Plaintiff.
23. By reason of the foregoing, Plaintiff sustained physical and psychological injuries, including but not limited to, severe emotional distress, confusion, humiliation, fright, anxiety, a severe shock to her nervous system, and has been caused to suffer physical pain and mental anguish, emotional and psychological damages as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and that Plaintiff as a result has become and will continue to be obligated to expend sums of money for medical expenses for treatment of said maladies.
24. That by reason of the foregoing, Defendants DIOCESE and ST. MICHAEL'S are also liable to Plaintiff for punitive and exemplary damages.

25. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7) and 1602(11).
26. That the amount of damages sought exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

AS AND FOR A SECOND CAUSE OF ACTION

(NEGLIGENT FAILURE TO WARN)

27. Plaintiff repeats, reiterates, and realleges each and every allegation contained in the above paragraphs of this Complaint, with the same force and effect as if fully set forth at length herein.
28. Upon information and belief, prior to and at all times herein mentioned, Defendants DIOCESE and ST. MICHAEL'S and their agents, servants, and employees, knew or should have known that REARDON violated DIOCESE and ST. MICHAEL'S relevant rules, regulations and protocols prohibiting priests like REARDON from sexually abusing and otherwise harming minors, including Plaintiff.
29. The Defendants DIOCESE and ST. MICHAEL'S and their agents, servants, and employees were negligent, careless and reckless and acted willfully, wantonly and were grossly negligent in failing to warn Plaintiff that the failure of REARDON to abide by DIOCESE and ST. MICHAEL'S rules, regulations and protocols regarding prohibitions on employees being alone with minors put Plaintiff at risk for being sexually abused by REARDON.

30. By reason of the foregoing, Plaintiff sustained physical and psychological injuries, including but not limited to, severe emotional distress, confusion, humiliation, fright, anxiety, a severe shock to her nervous system, and has been caused to suffer physical pain and mental anguish, emotional and psychological damages as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and that Plaintiff as a result has become and will continue to be obligated to expend sums of money for medical expenses for treatment of said maladies.
31. That by reason of the foregoing, Defendants DIOCESE and ST. MICHAEL'S are also liable to Plaintiff for punitive and exemplary damages.
32. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7) and 1602(11).
33. That the amount of damages sought exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.
34. That by reason of the foregoing, Defendants DIOCESE and ST. MICHAEL'S are also liable to Plaintiff for punitive and exemplary damages.
35. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7) and 1602(11).

36. That the amount of damages sought exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

WHEREFORE, the Plaintiff demands judgment against the Defendants, together with compensatory and punitive damages, and the interest, costs and disbursements pursuant to the causes of action herein.

Dated: New York, New York
December 3, 2019



MICHAEL G. DOWD
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SWEENEY, REICH & BOLZ, LLP
By: Gerard J. Sweeney, Esq.
1981 Marcus Avenue, Suite 200
Lake Success, NY 11042
(718) 459-9000

Attorneys for Plaintiff

VERIFICATION

STATE OF NEW YORK)
)ss.:
COUNTY OF NEW YORK)

DARLENE BATES, being duly sworn, deposes and says:

I am the plaintiff in the action; I have read the foregoing VERIFIED COMPLAINT and know the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe to be true.


DARLENE BATES

Sworn to before me this
01 day of November, 2019


NOTARY PUBLIC

MOHAMMED N HOSSAIN
NOTARY PUBLIC, STATE OF NEW YORK
01H06356839
QUALIFIED IN QUEENS COUNTY
COMMISSION EXPIRES APRIL 10, 20

MOHAMMED N HOSSAIN
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